

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

LARRY SMITH,

Plaintiff,

v.

RALPH DIEZ, et al.,

Defendants.

No. 2:20-CV-0071-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s motion for leave to proceed in forma pauperis (ECF No. 2). Plaintiff has submitted a declaration that makes the showing required by 28 U.S.C. § 1915(a). The request to proceed in forma pauperis will, therefore, be granted.

///
///
///
///
///
///
///
///

1 To: The California Department of Corrections and Rehabilitation
2 1515 S Street, Sacramento, California 95814:

3 Plaintiff is obligated to pay the full statutory filing fee of \$350.00 for this action.
4 In addition to any initial partial filing fee required to be assessed, plaintiff will be obligated to
5 make monthly payments in the amount of twenty percent of the preceding month's income
6 credited to plaintiff's inmate trust account. The agency referenced above is required to send to
7 the Clerk of the Court the initial partial filing fee and thereafter payments from plaintiff's inmate
8 trust account each time the amount in the account exceeds \$10.00, until the statutory filing fee of
9 \$350.00 is paid in full. See 28 U.S.C. § 1915(b)(2).

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. Plaintiff's motion for leave to proceed in forma pauperis (ECF No. 2) is
12 granted;
- 13 2. Plaintiff is required to pay the full statutory filing fee of \$350.00 for this
14 action pursuant to 28 U.S.C. §§ 1914(a) and 1915(b)(1);
- 15 3. The director of the agency referenced above, or a designee, shall collect
16 from plaintiff's inmate trust account an initial partial filing fee in accordance with the provisions
17 of 28 U.S.C. § 1915(b)(1) and shall forward the amount to the Clerk of the Court, such payment
18 to be clearly identified by the name and number assigned to this action;
- 19 4. Thereafter, the director of the agency referenced above, or a designee, shall
20 collect from plaintiff's inmate trust account the balance of the filing fee by collecting monthly
21 payments from plaintiff's inmate trust account in an amount equal to twenty percent (20%) of the
22 preceding month's income credited to plaintiff's inmate trust account and forwarding payments to
23 the Clerk of the Court each time the amount in the account exceeds \$10.00 in accordance with 28
24 U.S.C. § 1915(b)(2), until the \$350.00 filing fee for this action has been paid in full, such
25 payments to be clearly identified by the name and number assigned to this action;
- 26 5. The Clerk of the Court is directed to serve a copy of this order and a copy
27 of plaintiff's signed in forma pauperis affidavit to the address shown above; and

28 ///

1 6. The Clerk of the Court is further directed to serve a copy of this order on
2 the Financial Department of the court.

3
4
5 Dated: January 22, 2020

A handwritten signature in dark ink, appearing to read 'Dennis M. Cota', written over a horizontal line.

DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE